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OCT 2 4 2003

Technology Center 2600

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Scott Matsumoto et al.

Application Number:

09/922,272

Filing Date:

08/03/2001

Title:

Transactional Monitoring System And Method

Group Art Unit:

2151

Examiner:

Not yet known

Attorney Docket:

Xtremesoft/Patent

Certificate of Express Mailing

I hereby certify that the above correspondence is being deposited under 37 C.F.R. 1.10 with the United States Postal Service, Express Mail Post Office to Addressee Service, Label No. EV 064497747 US on October 21, 2003, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of person mailing correspondence:

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## TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AND PTO FORM 1449

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir,

Pursuant to the duty of disclosure (37 C.F.R. 1.97 and 1.98), attached hereto are:

- 1. An Information Disclosure Statement (PTO 1449) (2 pages) listing documents (6 documents total);
- 2. A copy of the PCT International Search Report in the related International Application No. PCT/US01/24268 filed 08/03/2001 (6 pages);
- 3. A copy of the cited documents; and
- 4. A return postcard.

Because the documents are in the English language, a concise explanation of the relevance is not provided. Because this paper is being filed prior to the 1<sup>st</sup> Office Action, no fee is believed to be due at this time.

Serial No. 09/922,272 Filing Date: 08/03/2001

However, should the PTO determine that a fee is required; the PTO is hereby authorized to charge such fee, and any other required fee to Lucash Gesmer & Updegrove PTO Deposit Account No. 122315.

If additional information is required, you are invited to immediately contact the undersigned via telephone or facsimile at the numbers listed below. Thank you for your attention to this matter.

Respectfully submitted,

October 21, 2003

Paul Speide

Reg. No. 52,239

Lucash, Gesmer & Updegrove, LLP

Boston, MA 02109 Tel: (617) 350 6800 Fax: (617) 350 6878

PTO/SB/08A (04-03) roved for use through 4/30/2003. OMB 0651-0031

US Patent and rademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction At of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449/PT

# INFORMATION STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	2
	-	O.	_

### Complete if Known

Application Number	09/922,272	
Filing Date	August 3, 2001	
First Named Inventor	Scott Matsumoto	
Art Unit	2151	
Examiner Name	Not yet known	
Attorney Docket Number	Xtremesoft/Patent	

		U.S.	<b>PATENT DOCU</b>	MENTS	
Examiner's Initials*	Cite No <sup>-1</sup>	Document Number Number – Kind Code² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 5,987,250	11/16/1999	Subrahmanyam	
		US 6,070,197	05/30/2000	Cobb et al.	
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					OCT 2 4 2003
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FOREIGN PATENT DOCUMENTS						
Examiner's	Cite	Foreign Patent Document	Publication Date	Name of Patentee	Pages, Columns, Lines, Where	Τ°
Initials*	No.1	Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	or Applicant of Cited Document	Relevant Passages or Relevant Figures Appear	
		JP 09282283	10/31/1997	Nakai Koji	"	
		JP 63304337	12/12/1988	Matsuo Kenichi		
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Examiner	Date	
Signature	Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/08B (06-03) oved for use through 06/30/2003. OMB 0651-0031 U.S. Patent and rademark Office: U.S. DEPARTMENT OF COMMERCE

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# INFORMATION DESCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

### Complete if Known

Applicati n Number	09/922,272
Filing Date	August 3, 1999
First Named Inventor	Scott Matsumoto
Art Unit	2151
<b>Examiner Name</b>	Not yet known
Attorney Docket Number	Xtremesoft/Patent

	OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the article (when appropriate), title of item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	T <sup>2</sup>
		Mock et al., "Monitoring Distributed Real-Time Activities in DCOM", Object-Oriented Real-Time Distributed Computing, 2000. Third IEEE International Symposium on Newport, CA, March 15, 2000, pages 26-33.	
		Sridharan et al., "On Building Non-Intrusive Performance Instrumentation Blocks for CORBA-Based Distributed Systems", Computer Performance and Dependability Symposium, 2000, IEEE International Chicago, IL, March 27, 2000, pages 139-143.	
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Examiner	Date
Signature	Considered

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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